

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

LATE

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEES ON AGRICULTURE & ENERGY &
ENVIRONMENTAL PROTECTION

FEBRUARY 7, 2017
8:30 A.M.
CONFERENCE ROOM 325

HOUSE BILL NO. 1359
RELATING TO INVASIVE SPECIES

Chairpersons Creagan and Lee and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1359. This bill seeks to amend the Hawaii Revised Statutes as pertains to the Counties' ability to address the management of invasive species. The Department offers comments on this measure.

As presented, we are unsure of the intent of the bill. The Hawaii Department of Agriculture Plant Quarantine Branch and the Plant Pest Control Branch, as well as the Island Invasive Species Committees (ISC), have addressed the interdiction of invasive species. The ISCs are coordinated through the Hawaii Invasive Species Council (HISC) in the Department of Land and Natural Resources. Additional alien and invasive pest species activities are organized by the Coordinating Group on Alien Pest Species, further managing efforts that may be housed in other agencies such as Customs and Border Protection, USDA Animal and Plant Health Inspection Service, and the Hawaii Department of Health, among others.

With the completion of the *Hawaii Interagency Biosecurity Plan*, invasive species management and control will hopefully be organized via an agency known as the Hawaii Invasive Species Authority administratively attached to the Department. The Hawaii



Invasive Species Authority will be responsible for coordinating all invasive species management/eradication/containment initiatives. If the proposed authority is granted to the Counties, it may or may not impede the ability of the new Hawaii Invasive Species Authority to discharge its duty and mission.

The counties ability to pursue this measure may hinder the ability of the Hawaii Invasive Species Authority to carry out its mission. The Department asks for the opportunity to pursue the efforts of the Hawaii Interagency Biosecurity Plan and develop the Hawaii Invasive Species Authority.

Thank you for the opportunity to testify and comment on this measure.

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committees on
AGRICULTURE
and
ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, February 7, 2017
8:30 AM
State Capitol, Conference Room 325

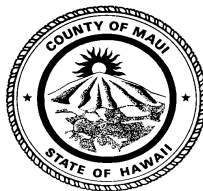
In consideration of
HOUSE BILL 1359
RELATING TO INVASIVE SPECIES

House Bill 1359 proposes to authorize each county to enact and enforce ordinances relating to invasive species. **The Department of Land and Natural Resources (Department) supports this measure.**

While a coordinated, statewide approach to invasive species is critical to our overall success in mitigating invasive species impacts, the Department recognizes that invasive species impacts and priorities vary across counties. Allowing the Counties to adopt ordinances within the framework of state law regarding invasive species should allow the counties to utilize additional avenues for invasive species mitigation that may not otherwise be clarified under state law. Provided that the ordinances adopted by the counties do not contradict or supersede state law, this measure should improve invasive species mitigation within and across counties.

The Department appreciates the opportunity to provide these comments.

ALAN M. ARAKAWA
MAYOR



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Telephone (808) 270-7855
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OFFICE OF THE MAYOR
Ke`ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

February 6, 2017

TESTIMONY OF ALAN M ARAKAWA
MAYOR
COUNTY OF MAUI

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE and
THE HOUSE COMMITTEE ON ENRGY & ENVIRONMENTAL PROTECTION

Tuesday, February 7, 2017
8:30am – Conference Room 325

HB1359 Relating to Invasive Species

Honorable Richard P Creagan, Chair
Honorable Lynn DeCoite, Vice Chair
Honorable Members of the House Committee on Agriculture

Honorable Chris Lee, Chair
Honorable Nichole E. Lowen, Vice Chair
Honorable Members of the House Committee on Energy & Environmental Protection

Thank you for this opportunity to testify in SUPPORT OF HB1359.

This bill will provide the counties a clear tool that is not currently available to us – the authority to enter private property, with the proper court authorization, in order to eradicate invasive species that could be harmful to public health and safety. Maui County is currently fighting to stave off an infestation of many invasive species. Some of which include: Little Fire Ants (LFA), Coqui Frogs and Coffee Bean Borer beetle (CBB).

LFA has proven to be a threat to public health and safety. The Maui Invasive Species Committee (MISC) and the Hawaii Ant Lab (HAL) has had several property owners or lessees block access to their properties when they tried to address LFA eradication. The state department of Agriculture was able to obtain a court order, eventually, that allowed MISC and HAL to do their assigned duties. However, this is only one instance of many that are currently being faced by these agencies. There are people in Haiku and Nahiku still blocking access to their property to fight LFA and coqui frogs. We are currently getting CBB infestations in the Hana area and already getting resistance from one property owner. The DOA does not have the manpower or resources to get court orders to help these agencies work on the eradication of these pests on a timely basis.

I firmly believe that the counties can be effective where the DOA is not able to be due to their restrictions.

I would like to offer an amendment that would help clarify the intent of the bill:

Amend starting on page 19 line 1 as follows:

(28) Each county shall have the power to enact and enforce ordinances necessary to prevent, investigate, control, or eradicate invasive species, identified as such by the Hawaii Invasive Species Council, on any public or private property within the limits of the county. The authority provided by this paragraph shall not be self-executing but shall become fully effective with a county only upon enactment or adoption by the county of appropriate and particular laws, ordinances, or rules ~~defining "invasive species" with respect to each county's respective circumstances~~. The counties shall provide the property owners or their tenants with the opportunity to contest proposed county actions pursuant to this paragraph.

Therefore, I strongly urge the passage of this bill with the above amendments.

Sincerely,

Alan M. Arakawa
Mayor, County of Maui

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 9:44 AM
To: AGRtestimony
Cc: worreen@gmail.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Worreen Hamocon	Individual	Support	No

Comments:

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**Testimony before the House Committee on Agriculture and
the House Committee on Energy & Environmental Protection**

**by
The Hawaiian Electric Companies**

**Tuesday, February 7, 2017
8:30 a.m., Conference Room 325**

House Bill 1359 –Relating to Invasive Species

Chairs Creagan and Lee, Vice Chairs DeCoite and Lowen, and Members of the Committees:

The Hawaiian Electric Companies are submitting this written testimony in strong support of HB 1359.

HB 1359 provides that each county shall have the power to enact and enforce ordinances necessary to prevent, investigate, control, or eradicate invasive species on any public or private premises within the limits of the county. The Hawaiian Electric Companies support the bill for the following reasons:

- Albizia trees are a hazard to public safety and critical infrastructure.
- Stands of brittle, invasive Albizia trees up to 250 feet tall grow on many public and private properties. Tropical Storm Iselle brought down many Albizia trees, blocked roadways, and caused millions of dollars in damage to homes and important electric utility lines. Broken tree trunks continue to send out new growth creating even more unstable conditions, while seedlings are rapidly germinating in disturbed areas.
- There are many landowners that either refuse or fail to respond to repeated notices to control or eradicate invasive species on their property.
- The County's ability to enact and enforce rules to prevent, investigate, control or eradicate invasive species like the albizia tree, is essential to mitigating issues and ensuring that Hawai'i's public safety and critical infrastructure needs are met.

Thank you for the opportunity to testify on this matter.



Shaping the future for birds

**Testimony of American Bird Conservancy
Supporting HB 1359 Relating to Invasive Species
House Committee on Agriculture
House Committee on Energy and Environmental Protection
Tuesday, February 7, 2017, 8:30 AM, Room 325**

On behalf of American Bird Conservancy and our members throughout Hawai‘i, I am writing to urge your **support for HB 1359**, which would allow “each county to enact and enforce ordinances necessary to prevent, investigate, control, or eradicate invasive species on any public or private premises within the limits of the county.”

Invasive species are non-native species whose introduction does or is likely to cause economic or environmental harm or harm to human health. These species are among the top causes of biodiversity decline worldwide and are estimated to cause major environmental damages and losses of approximately \$120 billion each year in the United States.

Unfortunately, numerous invasive species have already infiltrated the state and are causing tangible harm. Avian malaria, for example, spread by the introduced mosquito *Culex quinquefasciatus*, is wiping out Hawai‘i’s native forest birds. Although native birds had previously experienced some relief at higher altitudes, the combined presence of this foreign pathogen (and its introduced mosquito vector) and ongoing climate change means that even these high-altitude refuges will very soon be overwhelmed.



Many other examples of invasive species exist in Hawai‘i, including *Albizia*, little fire ants, coqui frogs, and mongoose, to name a few. Constantly looming, as well, is the threat of future non-native species introductions (e.g., brown tree snake) and their impacts.


This bill would provide counties, upon passage of ordinance, the authority to protect against invasive species introductions and to control invasive species populations once introduced. On account of the widely documented negative impacts of invasive species to people and wildlife and the ongoing threat from further non-native species introductions, **American Bird Conservancy respectfully requests your support for HB 1359.**

Mahalo for your consideration,

Grant Sizemore, M.S., AWB®
Director of Invasive Species Programs



 | 808-733-7060
 | 808-737-4977

 | 1259 A'ala Street, Suite 300
Honolulu, HI 96817

February 7, 2017

The Honorable Richard Creagan, Chair
House Committee on Agriculture

The Honorable Chris Lee, Chair
House Committee on Energy & Environmental Protection
State Capitol, Room 325
Honolulu, Hawaii 96813

RE: H.B. 1359, Relating to Invasive Species

HEARING: Tuesday, February 7, 2017, at 8:30 a.m.

Aloha Chair Creagan, Chair Lee, and Members of the Committees.

I am Myoung Oh, Director of Government Affairs, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 9,000 members. HAR **supports the intent** of H.B. 1359 which allows each county to enact and enforce ordinances necessary to prevent, investigate, control, or eradicate invasive species on any public or private premises within the limits of the county.

However, HAR prefers H.B. 606, H.D.1 which was passed out of the Committee on Energy & Environmental Protection which will simply provide the authority to enter private property, with the proper court authorization, in order to eradicate invasive species that could be harmful to public health and safety.


The current language in H.B. 1359 permits individual counties to declare what is and isn't an "invasive species". We feel that the current oversight approach to pursuing only those things that the state has declared to be "invasive" a preferred avenue.


A key part of the eradication effort is the need to address infestations wherever they occur. One major problem is that certain recalcitrant property owners refuse to manage the invasive species on their property and refuse access to State agents to do the work for them. The species then spread to surrounding properties making eradication impossible.


Currently, to enter such properties requires the active involvement of the State Attorney General's office, which does not have a full-time presence on the Neighbor Islands. If the Counties participate in this effort, then the Counties' attorneys can obtain the necessary warrants to enter private property.





 | 808-733-7060

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HAR feels the current plan for managing detrimental invasive species is not working. Laws that must be amended to correct this situation and give our local communities a better chance at addressing this problem, including Chapter 46, which gives the Counties their powers, and Chapter 194 which makes the State Department of Agriculture the agency responsible for this function.

Mahalo for the opportunity to testify.





P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

February 7, 2017

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

TESTIMONY ON HB 1359
RELATING TO INVASIVE SPECIES

Room 325
8:30 AM

Aloha Chairs Creagan and Lee, Vice Chairs DeCoite and Lowen, and Members of the Committees:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

Hawaii Farm Bureau opposes HB 1539, which allows County ordinances relating to invasive species.

HFB strongly supports a robust biosecurity program to manage invasive species in our environment. We strongly believe that an effective program is accomplished through cooperative efforts, Federal, State, County and private entities, each contributing their resources based on expertise and capacity.

Invasive species management is largely under the jurisdiction of the Hawaii Department of Agriculture. Federal expertise is used to identify new control measures while Invasive Species Councils at different counties and private entities participate with HDOA PQ in eradication and control measures. State entomologists and PQ officials work to enforce and implement quarantine requirements as well as identification and rapid response for control of new infestations. Most recently we saw this in action at Hana, Maui, where HDOA PQ personnel worked to eradicate an initial CBB population and are working to assess further infestations.

As written, the measure would authorize:

"Ordinances necessary to prevent, investigate, control, or eradicate invasive species on any public or private premises within the limits of the county."

Identification and development of control measures require technical expertise that come with significant cost. Collaborative efforts with existing state expertise would be a better use of resources. Counties can help by coordinating volunteer workforce crews in their various districts that could be trained to be emergency ready for action when a new invasive species outbreak is identified. The local crew could include personnel from companies in the region who are already trained with pest management as well as others interested in assisting with invasive species control. People will be familiar with their own districts so can contribute insight on possible host locations, increasing the effectiveness of HDOA and ISCs.

Recently there was an individual who opposed entry by HDOA officials to control the LFA. However, HDOA stated during a Board meeting that they had the authority to obtain warrants as well as request the issuance of quarantine orders to the property. Procedures to facilitate the timely implementation of the warrant and quarantine orders may be justified.

Counties are already struggling to meet the increasing needs within their jurisdiction such as homelessness, traffic and infrastructure development. Their annual plea for greater share of TAT funds demonstrates the challenges associated with funding measures already within their jurisdiction.

HFB respectfully requests your opposition of this measure.

Thank you for this opportunity to provide comment on this important subject.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 10:17 PM
To: AGRtestimony
Cc: lberthold@yahoo.com
Subject: Submitted testimony for HB1359 on Feb 7, 2017 08:30AM

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Berthold	Individual	Support	No

Comments: Invasive species do damage across the islands. Invasive species control should be done where these species are found. These species do not recognize boundary lines or ownership. We need to prevent their spread. They damage agriculture, native forest/species, and more.

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From: mailinglist@capitol.hawaii.gov
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To: AGRtestimony
Cc: chris@mentzel.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Mentzel	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 9:46 PM
To: AGRtestimony
Cc: warrenmcfb@gmail.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Watanabe	Maui County Farm Bureau	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 8:10 PM
To: AGRtestimony
Cc: mnakahata@gmail.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 8:07 PM
To: AGRtestimony
Cc: neil.vonhof@gmail.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Neil Vonhof	Individual	Support	No

Comments:

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This statement supports the adoption of House Bill 1359 and its counterpart, Senate Bill 409. Both would amend Hawaii Revised Statute Section 46.1-5 to empower county governments to directly contend with the many harmful invasive species that threaten our communities. Accordingly, each county would have the authority to adopt its own regulatory scheme to “prevent, investigate, control, or eradicate” invasive species.

In Hawaii, infestations by invasive species already constitute public nuisances under both statutory and common law. Moreover, public nuisances are particularly suited for class action treatment under Hawaii law due to both the liberal standing rules that allow members of the public to institute such cases and the various obligations of state agencies to police and combat invasive species infestations. Those types of cases, however, are not the best use of state judicial resources nor are they effective to timely address the nature of the problem. Amending HRS Section 46.1-5 to allow the counties to actively manage invasive species that are unique to them is preferable to any such litigation on either a local or statewide basis and would concentrate efforts to make them more efficient and effective.

As the proposed amendment implies, the invasive species that threaten Hawaii’s counties are neither uniformly present in all of them nor is the magnitude of danger or concern presented by any single invasive species uniform across the islands. The amendment allows the offices of government that are uniquely suited to survey, plan, and eradicate all such species to do so on a county-by-county basis according to their unique needs and resources.

The necessity of the amendment is also supported by the very nature of the problems invasive species present. By both nature and effect, those problems have no relation to the individual properties that constitute communities such as ours in Holualoa on the Big Island. In fact, individual property rights, the rules of homeowners associations, absentee ownership, and the various government property rights are often functionally inimical to effectively contending with these species. Swift and coordinated cooperation is essential, yet is often lacking when it comes to current efforts to deal with invasive species that have existed for many years already. As a result, those issues have become worse, in large part because of the lack of local authority and control.

If the government of Hawaii is serious about doing something about invasive species, any and all actions to prevent individual property rights from trumping community based health and safety concerns is essential. Allowing the counties to assay and decide how to best take private and public concerns into account in developing an effective regulatory scheme is best accomplished on the localized basis the amendment would allow.

In the end, insects, frogs, fungi, and bacteria don’t care where property lines are or who “owns” what. They will exploit any chink in the armor we are attempting to use to defend our communities from them, whether those chinks are absentee owners of

properties who are unaware of any issues or property owners who intend to obstinately obstruct any sound strategy to deal with them. Invasive species can't be effectively dealt with unless there is a coordinated and island-by-island treatment of the relative dangers and the local areas invasive species are populating.

As a result, I urge you to pass HB 1359 and SB 409.

Respectfully,

Clyde Platt
Holualoa, HI

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 11:39 AM
To: AGRtestimony
Cc: raphiell@gmail.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Raphiell Nolin	Individual	Support	No

Comments:

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Sent: Sunday, February 5, 2017 10:31 AM
To: AGRtestimony
Cc: alohalways@gmail.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tanja Miller	Individual	Support	No

Comments:

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To: AGRtestimony
Cc: molivit@yahoo.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Isabelle Olivit	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 7:03 AM
To: AGRtestimony
Cc: taragrace808@gmail.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tara Grace	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 11:59 PM
To: AGRtestimony
Cc: legechair@gmail.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/4/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Hawaii Farmers Union United	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 12:36 PM
To: AGRtestimony
Cc: carolyndillon4@gmail.com
Subject: Submitted testimony for HB1359 on Feb 7, 2017 08:30AM

HB1359

Submitted on: 2/4/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Dillon	Individual	Support	No

Comments: Thank you for this opportunity to testify in favor of HB1359, with particular attention to Section 1 (12) Relating to County Access to Address Nuisance on Private Property. As a community organizer I have worked for the past two years with my neighbors living in a 1/2 mile radius of my home in the Historic Coffee Belt to educate and encourage property owners to test and treat for Little Fire Ants (LFA). In this time, as the outreach expanded, the areas of infestation have continued to grow. At last tally, we have confirmed approximately 25 acres of known infestation. Testing is ongoing, and it is likely that the areas we currently know about will grow. Several of these lots are either vacant or belong to absentee owners. Of the owners who live on-island, a fair portion are following the remediation directives of the Big Island Invasive Species Committee (BIISC). However, numerous other neighbors whose properties are interspersed throughout the overall area in all directions are unwilling to address the infestation upon their lots. Despite many offers of help, several attempts at persuasion, and finally begging and pleading, too many of these "neighbors" remain unwilling to take responsibility for the public nuisance they persist in harboring upon their lot. Their obstinance is not only unproductive, but makes it impossible to adequately curtail and contain the infestations on lots owned by people who are actively trying to address their infestations. The basic reason is that the infestations are, by nature, a community-wide problem that demands community-wide solutions. The Hawaii Interagency Biosecurity Plan (HIBP) delves into strengthening criminal charges for such behavior, but that does not address the real and immediate need to stop the ants. The longer the delay the more entrenched the LFA become, expanding in area and density exponentially. Accordingly, economic, environmental, social and health costs will continue to climb - exponentially - as well. The general public is still not aware that the west side of Hawaii County has many areas of LFA infestations up and down our coastline. To allow LFA to continue to spread unabated on the Big Island is a serious mistake and a grave threat to the public health and agricultural production of the entire state. Passage of HB1359 is imperative for LFA control. Allowing LFA-infested lots to persist is a public nuisance and must be swiftly dealt with. This Bill is a logical, constructive vehicle for efficient and effective control. We must act now before we pass the tipping point with LFA control and containment. We are already at that tipping point.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 3:51 PM
To: AGRtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/3/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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To: AGRtestimony
Cc: breezybees808@Gmail.com
Subject: Submitted testimony for HB1359 on Feb 7, 2017 08:30AM

HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Briana Hurley	Individual	Support	No

Comments: Please support this bill which will help individual islands practice more autonomy when it comes to eradicating invasive species. Mahalo for your time.

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Cc: fernrosenstiel@yahoo.com
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Rosenstiel	Individual	Support	No

Comments:

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To: AGRtestimony
Cc: alan@prloffice.com
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HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Gottlieb	Ponoholo Ranch Limited	Oppose	No

Comments:

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Cc: tulsigreenlee@icloud.com
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HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tulsi Greenlee	Individual	Support	No

Comments:

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LATE

HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Tanouye	HFNA	Oppose	No

Comments:

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Categories: Green Category

LATE

HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Briana Hurley	Individual	Support	No

Comments: Please support this bill which will help individual islands practice more autonomy when it comes to eradicating invasive species. Mahalo for your time.

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HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Fern Rosenstiel	Individual	Support	No

Comments:

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**TESTIMONY IN SUPPORT OF HOUSE BILL 1359
RELATED TO INVASIVE SPECIES
2.7.17**

LATE

Submitted by David DeLeon, on behalf of the Haiku Hill community, Maui.

Chair Creagan and Chair Lee and the members of the House Agriculture and Energy and Environment Committees. Thank you for this opportunity to testify in SUPPORT of House Bill 1359. I am testifying because our community has seen the environmental disaster that has unfolded on the Big Island and are fighting to keep that same outcome from befalling Maui. We are estimating that our Northshore Maui community is about a decade before it is overwhelmed by Little Fire Ants, Coqui Frogs, and other foreign critters that are having such a drastic impact on the quality of life on the Big Island.

Current State law clearly makes this fight your kuleana, so we must depend on your leadership and the agencies you direct. A recent Maui case highlighted the need to rethink our state's approach to this problem. In that case tenants of a property infested with Little Fire Ants refused the Maui Invasive Species Committee (MISC) access to treat the infestation. The State Director of Agriculture overcame that resistance by prevailing on the State Attorney General to seek a court warrant to allow MISC to enter and treat the infestation and then personally hand-carried the order to Maui. The Director's action were laudable, however, there are many such cases in which recalcitrant property owners refuse access. The State Ag Chair cannot personally deal with each case. Likewise, there is no AG office on Maui. While the state's intent is good, its resources are stretched thin. The Counties have resources that would allow a more efficient response to this issue – such as legal offices on the affected island. Maui County has already demonstrated its desire to contribute to this effort by appropriating over \$1 million to help our community combat our growing coqui outbreak. But current law blocks the Counties from being more pro-active.

If the humans are going to win this fight, we need all hands on deck. That's why I support HB 1359 which is meant to bring to bear the resources of the County governments to this fight, in coordination with the State and allow efficient appropriate governmental agencies to address the problem of private owners who refuse to manage these pests. Maui County's leaders have already demonstrated their concern and willingness to participate in saving our way of life. They just need the statutory authority to become your active partner.

Mahalo for receiving this testimony and for your support of HB 1359.

David DeLeon
335 Waiama Way
Haiku, Hi
808-575-9711

AGRtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 9:44 AM
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HB1359

Submitted on: 2/6/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Worreen Hamocon	Individual	Support	No

Comments:

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Shaping the future for birds

LATE

**Testimony of American Bird Conservancy
Supporting HB 1359 Relating to Invasive Species
House Committee on Agriculture
House Committee on Energy and Environmental Protection
Tuesday, February 7, 2017, 8:30 AM, Room 325**

On behalf of American Bird Conservancy and our members throughout Hawai‘i, I am writing to urge your **support for HB 1359**, which would allow “each county to enact and enforce ordinances necessary to prevent, investigate, control, or eradicate invasive species on any public or private premises within the limits of the county.”

Invasive species are non-native species whose introduction does or is likely to cause economic or environmental harm or harm to human health. These species are among the top causes of biodiversity decline worldwide and are estimated to cause major environmental damages and losses of approximately \$120 billion each year in the United States.

Unfortunately, numerous invasive species have already infiltrated the state and are causing tangible harm. Avian malaria, for example, spread by the introduced mosquito *Culex quinquefasciatus*, is wiping out Hawai‘i’s native forest birds. Although native birds had previously experienced some relief at higher altitudes, the combined presence of this foreign pathogen (and its introduced mosquito vector) and ongoing climate change means that even these high-altitude refuges will very soon be overwhelmed.



Many other examples of invasive species exist in Hawai‘i, including *Albizia*, little fire ants, coqui frogs, and mongoose, to name a few. Constantly looming, as well, is the threat of future non-native species introductions (e.g., brown tree snake) and their impacts.

This bill would provide counties, upon passage of ordinance, the authority to protect against invasive species introductions and to control invasive species populations once introduced. On account of the widely documented negative impacts of invasive species to people and wildlife and the ongoing threat from further non-native species introductions, **American Bird Conservancy respectfully requests your support for HB 1359.**

Mahalo for your consideration,

Grant Sizemore, M.S., AWB®
Director of Invasive Species Programs



 | 808-733-7060
 | 808-737-4977

 | 1259 A'ala Street, Suite 300
Honolulu, HI 96817

February 7, 2017

LATE

The Honorable Richard Creagan, Chair
House Committee on Agriculture

The Honorable Chris Lee, Chair
House Committee on Energy & Environmental Protection
State Capitol, Room 325
Honolulu, Hawaii 96813

RE: H.B. 1359, Relating to Invasive Species

HEARING: Tuesday, February 7, 2017, at 8:30 a.m.

Aloha Chair Creagan, Chair Lee, and Members of the Committees.

I am Myoung Oh, Director of Government Affairs, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 9,000 members. HAR **supports the intent** of H.B. 1359 which allows each county to enact and enforce ordinances necessary to prevent, investigate, control, or eradicate invasive species on any public or private premises within the limits of the county.

However, HAR prefers H.B. 606, H.D.1 which was passed out of the Committee on Energy & Environmental Protection which will simply provide the authority to enter private property, with the proper court authorization, in order to eradicate invasive species that could be harmful to public health and safety.

The current language in H.B. 1359 permits individual counties to declare what is and isn't an "invasive species". We feel that the current oversight approach to pursuing only those things that the state has declared to be "invasive" a preferred avenue.

A key part of the eradication effort is the need to address infestations wherever they occur. One major problem is that certain recalcitrant property owners refuse to manage the invasive species on their property and refuse access to State agents to do the work for them. The species then spread to surrounding properties making eradication impossible.

Currently, to enter such properties requires the active involvement of the State Attorney General's office, which does not have a full-time presence on the Neighbor Islands. If the Counties participate in this effort, then the Counties' attorneys can obtain the necessary warrants to enter private property.

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**Hawai'i
Association of
REALTORS®**



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HAR feels the current plan for managing detrimental invasive species is not working. Laws that must be amended to correct this situation and give our local communities a better chance at addressing this problem, including Chapter 46, which gives the Counties their powers, and Chapter 194 which makes the State Department of Agriculture the agency responsible for this function.

Mahalo for the opportunity to testify.

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Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

Categories: Green Category



HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mae Nakahata	Individual	Oppose	No

Comments:

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HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Neil Vonhof	Individual	Support	No

Comments:

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To: AGRtestimony
Cc: clyde_platt@msn.com
Subject: Submitted testimony for HB1359 on Feb 7, 2017 08:30AM
Attachments: Invasive Species Statement V. 3.docx

Categories: Green Category



HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Clyde Platt	Individual	Support	No

Comments: This statement supports the adoption of House Bill 1359 and its counterpart, Senate Bill 409. Both would amend Hawaii Revise Statute Section 46.1-5 to empower county governments to directly contend with the many harmful invasive species that threaten our communities. Accordingly, each county would have the authority to adopt its own regulatory scheme to “prevent, investigate, control, or eradicate” invasive species. In Hawaii, infestations by invasive species already constitute public nuisances under both statutory and common law. Moreover, public nuisances are particularly suited for class action treatment under Hawaii law due to both the liberal standing rules that allow members of the public to institute such cases and the various obligations of state agencies to police and combat invasive species infestations. Those types of cases, however, are not the best use of state judicial resources nor are they effective to timely address the nature of the problem. Amending HRS Section 46.1-5 to allow the counties to actively manage invasive species that are unique to them is preferable to any such litigation on either a local or statewide basis and would concentrate efforts to make them more efficient and effective. As the proposed amendment implies, the invasive species that threaten Hawaii’s counties are neither uniformly present in all of them nor is the magnitude of danger or concern presented by any single invasive species uniform across the islands. The amendment allows the offices of government that are uniquely suited to survey, plan, and eradicate all such species to do so on a county-by- county basis according to their unique needs and resources. The necessity of the amendment is also supported by the very nature of the problems invasive species present. By both nature and effect, those problems have no relation to the individual properties that constitute communities such as ours in Holualoa on the Big Island. In fact, individual property rights, the rules of homeowners associations, absentee ownership, and the various government property rights are often functionally inimical to effectively contending with these species. Swift and coordinated cooperation is essential, yet is often lacking when it comes to current efforts to deal with invasive species that have existed for many years already. As a result, those issues have become worse, in large part because of the lack of local authority and control. If the government of Hawaii is serious about doing something about invasive species, any and all actions to prevent individual property rights from trumping community based health and safety concerns is essential. Allowing the counties to assay and decide how to best take private and public concerns into account in developing an effective regulatory scheme is best accomplished on the localized basis the

amendment would allow. In the end, insects, frogs, fungi, and bacteria don't care where property lines are or who "owns" what. They will exploit any chink in the armor we are attempting to use to defend our communities from them, whether those chinks are absentee owners of properties who are unaware of any issues or property owners who intend to obstinately obstruct any sound strategy to deal with them. Invasive species can't be effectively dealt with unless there is a coordinated and island-by-island treatment of the relative dangers and the local areas invasive species are populating. As a result, I urge you to pass HB 1359 and SB 409. Respectfully, Clyde Platt Holualoa, HI

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HB1359

Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Raphiell Nolin	Individual	Support	No

Comments:

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Submitted on: 2/5/2017

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Submitted By	Organization	Testifier Position	Present at Hearing
Isabelle Olivit	Individual	Support	No

Comments:

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Submitted on: 2/5/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tanja Miller	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Tara Grace	Individual	Support	No

Comments:

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HB1359

Submitted on: 2/4/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Hawaii Farmers Union United	Support	No

Comments:

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To: AGRtestimony
Cc: carolyndillon4@gmail.com
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Submitted on: 2/4/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Dillon	Individual	Support	No

Comments: Thank you for this opportunity to testify in favor of HB1359, with particular attention to Section 1 (12) Relating to County Access to Address Nuisance on Private Property. As a community organizer I have worked for the past two years with my neighbors living in a 1/2 mile radius of my home in the Historic Coffee Belt to educate and encourage property owners to test and treat for Little Fire Ants (LFA). In this time, as the outreach expanded, the areas of infestation have continued to grow. At last tally, we have confirmed approximately 25 acres of known infestation. Testing is ongoing, and it is likely that the areas we currently know about will grow. Several of these lots are either vacant or belong to absentee owners. Of the owners who live on-island, a fair portion are following the remediation directives of the Big Island Invasive Species Committee (BIISC). However, numerous other neighbors whose properties are interspersed throughout the overall area in all directions are unwilling to address the infestation upon their lots. Despite many offers of help, several attempts at persuasion, and finally begging and pleading, too many of these "neighbors" remain unwilling to take responsibility for the public nuisance they persist in harboring upon their lot. Their obstinance is not only unproductive, but makes it impossible to adequately curtail and contain the infestations on lots owned by people who are actively trying to address their infestations. The basic reason is that the infestations are, by nature, a community-wide problem that demands community-wide solutions. The Hawaii Interagency Biosecurity Plan (HIBP) delves into strengthening criminal charges for such behavior, but that does not address the real and immediate need to stop the ants. The longer the delay the more entrenched the LFA become, expanding in area and density exponentially. Accordingly, economic, environmental, social and health costs will continue to climb - exponentially - as well. The general public is still not aware that the west side of Hawaii County has many areas of LFA infestations up and down our coastline. To allow LFA to continue to spread unabated on the Big Island is a serious mistake and a grave threat to the public health and agricultural production of the entire state. Passage of HB1359 is imperative for LFA control. Allowing LFA-infested lots to persist is a public nuisance and must be swiftly dealt with. This Bill is a logical, constructive vehicle for efficient and effective control. We must act now before we pass the tipping point with LFA control and containment. We are already at that tipping point.

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Cc: mendezj@hawaii.edu
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Categories: Green Category



HB1359

Submitted on: 2/3/2017

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Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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HB1359

Submitted on: 2/7/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lorie Farrell	Hawaii Farmers & Ranchers United	Comments Only	No

Comments: We generally support the intent; however we do have some reservations. We defer to the guidance of the Hawaii Dept. of Agriculture for their guidance. Mahalo, Lorie Farrell

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HB1359

Submitted on: 2/7/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Kurisko	Individual	Support	No

Comments:

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To: AGRtestimony
Cc: cathyg@animalrightshawaii.org
Subject: *Submitted testimony for HB1359 on Feb 7, 2017 08:30AM*

HB1359

Submitted on: 2/7/2017

Testimony for AGR/EEP on Feb 7, 2017 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Oppose	No

Comments:

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